

20169. Adulteration and misbranding of sodium phenobarbital tablets. U.S. v. 98 Bottles of Sodium Phenobarbital Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28651. Sample No. 14339-A.)

This case involved a quantity of drug tablets which were found to contain a smaller amount of phenobarbital sodium than declared on the label.

On or about August 13, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 bottles of sodium phenobarbital tablets, remaining in the original unbroken packages at Perry Point, Md., alleging that the article had been shipped in interstate commerce on or about June 20, 1932, by the American Pharmaceutical Co., from New York, N.Y., to Perry Point, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle and carton) "American Pharmaceutical Co., Inc. 1½ Grain Sodium Phenobarbital A.P.C."

Analysis of a sample of the article by this Department showed that it consisted essentially of phenobarbital sodium (0.97 grain per tablet).

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "1½ Grain Sodium Phenobarbital."

Misbranding was alleged for the reason that the statement on the bottle label and carton, "1½ Grain Sodium Phenobarbital", and the statements on the carton, "Phenyl-Ethyl Barbituric Acid" and "Demand A.P.C. Products for Quality and Reliability," were false and misleading.

On October 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20170. Misbranding of Sal Vet worm destroyer conditioner tonic. U.S. v. Twenty-one 5-Pound Packages, et al., of Sal Vet Worm Destroyer Conditioner Tonic. Default decree of condemnation and destruction. (F. & D. No. 28464. Sample No. 9707-A.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was also represented to contain tobacco, whereas no appreciable amount of tobacco was found in the samples analyzed.

On July 12, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-one 5-pound packages, fourteen 10-pound packages, two 50-pound pails, and two 100-pound bags of Sal Vet worm destroyer conditioner tonic, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about May 6, 1932, by the Sal-Vet Products Co., Cleveland, Ohio, to Richmond, Va., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium chloride (84.2 percent), ferrous sulphate (0.85 percent), sulphur (2.35 percent), magnesium sulphate (2.3 percent), charcoal, and plant material, including a very small proportion of tobacco.

It was alleged in the libel that the article was misbranded in that the following statements borne on the carton, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "Worm Destroyer * * * for * * * hogs or sheep * * * horses, cows or steers * * * worm expeller. * * * Sheep—Keep Sal-Vet constantly before your sheep and lambs, both in pasture and feeding-pens. They'll doctor themselves. But if any are sick and too weak to lap the preparation, give to such one or two teaspoonfuls, dry on the tongue, two or three times a day. * * * Hogs and Pigs—To keep them healthy and worm-free, keep Sal-Vet constantly before them in pen and pasture. If hogs are out of condition, give one tablespoonful in soft feed or slop two or three times a day. Pig out of condition, quarter to half the quantity. For Wormy Hogs and Pigs— * * * Horses and Stallions— * * * To quickly start worms, omit the noon meal and feed two tablespoonfuls Sal-Vet in a hot bran mash for the evening meal. * * * Pin-Worms—Feed Sal-Vet as above, and give an injection of a quart of warm water

in which two tablespoonfuls of Sal-Vet has been dissolved. * * * Milch Cows—To keep them in healthy condition, and to enable them to produce the best possible yield from what you feed, * * * If out of condition, or if they abort, give them access to it full strength; or give a tablespoonful in soft feed night and morning. * * * Calves Out of Condition." Misbranding was alleged for the further reason that the statement on the carton, "Contains * * * Tobacco." was false and misleading.

On October 4, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20171. Misbranding of Brander's No. 7. U.S. v. 25 Cases, et al., of Brander's No. 7. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28809, 28810. Sample No. 14342-A.)

Examination of the drug product involved in these cases disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular accompanying the article. The labeling also represented that the article was antiseptic, whereas bacteriological tests showed that it was not antiseptic when used as directed.

On or about August 29, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 23 cases and 21 packages of Brander's No. 7, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 11, 1932, by the Haley M-O Co., Inc., from Geneva, N.Y., to Baltimore, Md., and charging misbranding, in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of soap, phenols, glycerin, and water (99 percent). Bacteriological examination showed that the product was not antiseptic when diluted with an equal volume of water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling were false and misleading, since the product was not antiseptic or bactericidal when used as directed in the portions of the labeling quoted: (Carton) "Bactericidal (Destroying Germs) * * * seven uses * * * 7. Reliable and safe in feminine hygiene. * * * non-alcoholic antiseptic * * * effective for feminine hygiene"; (bottle label) "Bactericidal (Destroying Germs) * * * Promotes feminine hygiene and has a beneficent effect on delicate membranes and tissues. * * * Feminine Hygiene Two or three tablespoons of Brander's No. 7 to a quart of water as a vaginal douche several times daily as necessary. It is always advisable to consult a qualified physician in regard to abnormal discharge"; (circular) "Mouth Wash and Deodorant—The mouth is a breeding place and an excellent harbor for germs. Some are breathed in, some are in the food, some are on eating utensils. These bacteria multiply rapidly in the decomposing food particles which cling to the teeth. By the regular use of Brander's No. 7 as a cleansing agent most of these organisms are destroyed and the proper mouth hygiene established. Brander's No. 7 * * * diluted with water to half strength, should be used three or four times daily as a cleansing mouth wash, * * * Thereby not only the bacteria are removed but also the food particles which are breeding places of the germs. * * * Brander's No. 7 For Feminine Hygiene * * * The following are the requirements for the hygienic douche—7. Dependable antiseptic and bactericidal potency. * * * Brander's No. 7 provides a * * * douche with antiseptic effect * * * In addition to its own antiseptic * * * Directions Two or three tablespoons to the quart of water as a vaginal douche." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the articles, appearing in the circular, were false and fraudulent: (Circular) "There are conditions of excessive or perverted secretion or discharge for which many find it necessary and advisable to employ the vaginal douche. * * * Leukorrhea ('The Whites')—By the use of Brander's No. 7 prompt relief can be obtained when surgical or systematic treatment is not indicated. Brander's No. 7 is effective not only for the whitish discharge of Leukorrhea but for the ropy, slimy discharge associated